

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>28/09/2010</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		<b>08/09/2010</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
David Glasgow				2010/4206/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
77 Wicklow Street London WC1X 9JY				See Decision Notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Retention of canopy over existing chiller plant exhaust vents on flat roof area at rear first floor level to existing office building (Class B1) and installation of associated works including louvre panels on east elevation.							
<b>Recommendation(s):</b>		Grant Planning Permission and warning of Enforcement Action					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>58</b>	No. of responses	<b>02</b>	No. of objections	<b>01</b>
				No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		<p>A Site Notice was displayed from 11/08/2010 expiring on 08/09/2010. One letter of support was received from an occupier of Flat 37 Pioneer House, 46 Britannia Street. One objection was received from the occupier of Flat 11 Pioneer House, 46 Britannia Street. The issues raised are as follows:</p> <ul style="list-style-type: none"> <li>Blocking of light to flat</li> <li>Health and safety issue of increased noise</li> <li>Reducing fresh air and create poor viewing</li> </ul> <p><b>Officers Comment:</b> See Sections 2 and 3 Below</p> <ul style="list-style-type: none"> <li>Will affect the health of the occupier during construction.</li> </ul> <p><b>Officers Comment:</b> Not relevant as proposal is already constructed.</p>					

**CAAC/Local groups\* comments:**

**Kings Cross CAAC** – Comment (but do not specify an objection) that “It is certainly not a thing of beauty!”

**Site Description**

The application site is the rear roof of the ground floor projection of a former purpose built 5-storey light industrial building on the west side of Wicklow Street opposite its junction with Leeke Street. The ground floor and basement areas of the building area occupied by the Squire and Partners Architectural practice. The upper floors of the building were converted into 38 affordable flats. The site is located within the Kings Cross Conservation Area but the building is not listed.

**Relevant History**

- EN10/0525 - Enforcement complaint received that approved air handling units were operating in excess of times specified within permission PSX0104019. The investigation revealed an unauthorised screening structure had been erected.
- September 2003 PP granted for change of use from Bar Restaurant (A3) to Office (B1). Ref. 2003/0534/P.
- March 2002- PP granted - Change of use of part of ground floor from B1 to A3 and A1 together with associated works. Ref. PSX0104019 (The associated works included plant room works)
- July 2001 – PP granted – Change of use of part of ground floor from B1 to A3 and A1 together with associated works. Ref. PSX0104434

**Relevant policies**

**Replacement Unitary Development Plan 2006**

SD1 – Quality of life  
SD6 – Amenity for occupiers and neighbours;  
SD7 – Light, noise and vibration pollution;  
SD8 – Disturbance;  
B1 – General Design Principles;  
B3 – Alterations and extensions;  
B7 – Conservation areas  
Appendix 1 – Noise and vibration thresholds.

**Camden Planning Guidance 2006**

**King's Cross Conservation Area Statement**

**LDF Core Strategy and Development Policies**

CS1- *Distribution of growth*

CS5- *Managing the impact of growth and development*

CS14- *Promoting high quality places and conserving our heritage*

CS16 – *Improving Camden's health and well-being*

DP24- *Securing high quality design*

DP25- *Conserving Camden's Heritage*

DP26- *Managing the impact of development on occupiers and neighbours*

DP28 – *Noise and vibration*

*The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound. This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter. However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.*

## **Assessment**

### **1.0 Background**

- 1.1** Planning permission was granted for the Change of use from Bar Restaurant (A3) to Office (B1) including the installation of air handling equipment on the rear south side of the building ref.PSX0104019. An enforcement investigation ref. EN10/0525 into an alleged increase in operating hours of the approved air handling unit (contrary to Condition 3) revealed an unauthorised screening structure had been erected above the unit. It is this screening for which planning permission is sought retrospectively.

### **2.0 Design**

- 2.1** The proposed screening structure as it exists on site is formed by two curved deflector plates affixed centrally atop the existing plant vent, curving away from one another to form a roof whilst remaining open on each side. The structure measures 2.0 metres in height 2.3 metres in width and 4.0 metres in length.
- 2.2** In response to the results of the noise survey undertaken by the applicant, in order to meet Camden's noise requirements the design has been amended to include acoustic louvre panels on the east elevation and absorbent cladding panelling affixed to the underside of the curved deflector plates.
- 2.3** The proposal is located to the rear of the building and is completely hidden from the public realm. As a result of its unobtrusive design (which is considered to be utilitarian) and the lack of visibility of the rear roof area, the structure is not considered to harm the appearance of the parent building, surrounding buildings or the conservation area.

### **3.0 Amenity for occupiers and neighbours**

- 3.1** The flat roof atop which the proposal is located is overlooked by windows of neighbouring flats at Pioneer House and windows from the rear of the bank building located on Gray' Inn Road to the west. Given the low height of 2.0 meters and its separation distance of 8.5 meters and 6.5 meters from surrounding windows to the east and north respectively, the structure is considered to be visually unobtrusive with respect to the outlook of neighbouring windows and does not significantly impact on available light or contribute to any increased sense of enclosure for existing or future occupiers.
- 3.2** The submitted acoustic report has been fully accessed by the Council's Environmental Health division. It is concluded that the proposal would comply with the Council's noise requirements, as set out in the UDP and LDF. As such, the proposal is not considered to cause disturbance or adverse the amenity of nearby occupiers and neighbours. The original acoustic report submitted did not meet the satisfaction of the Council's Environmental Health division, who denoted the works would not comply with the Council's noise standards (contrary to condition 2 of PSX0104019). As a result, the acoustic louvers and associated works outlined in paragraph 2.2 above have been proposed and subsequently are considered to satisfactorily accord with the Council's noise standards. Given this context, it is considered reasonable and necessary to warn the applicant that enforcement action may begin if the proposed louvre panels and associated works are not installed within three months. This provides the applicant sufficient time to implement the works without the need for enforcement action against condition 2 (standard noise levels) of PSX0104019. An informative to this effect is recommended to be added. A further informative is recommended to be added to remind the applicant of their obligation to comply with the condition

relating to hours of operation contained the original permission ref: PSX0104019 for the existing air handling units located below the structure sought to be retained by this application.

#### **4.0 Conclusion**

**4.1** It is considered that the installation of the screening enclosure would not result in material harm to the appearance of the host building, surrounding buildings or the Conservation Area given its unobtrusive design and location on a rear elevation completely obscured from the public realm. Moreover the low height and separation distances from neighbouring windows would not result in any detrimental impact on the outlook of neighbouring properties and the submitted acoustic report has demonstrated that there would not be harm to residential occupiers' amenities at nearby buildings as a result of undue noise nuisance and disturbance. The proposal is therefore considered acceptable. However, the permission will also warn of enforcement action to ensure the louvre panels and associated works proposed are implemented in a timely manner, in order to protect residential amenity of neighbouring occupiers.

**5.0 Recommendation.** Grant planning permission and warning of enforcement action.

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 27<sup>th</sup> September 2010.**

**For further information see**

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>